IN THE HIGH COURT OF BOMBAY AT GOA

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WRIT PETITION NO. 209 OF 2004

Master Bhaskar
Ramakrishna Khanolkar,
minor, r/o House
No.1516, Harvale
Housing Board Colony,
Sanquelim, Goa,
represented by his
natural guardian, his
father, Shri Ramakrishna
Khanolkar, major,
married, r/o House No.1516,
Harvale Housing Board
Colony, Sanquelim, Goa. ... Petitioner.

Versus

1. St. John of the Cross,
   Primary and High School,
   through its Headmaster,
   Sanquelim, Goa,

2. Directorate of Education,
   Government of Goa,
   through its Director,
   Panaji, Goa, and

3. Diocesan Society of
   Education, through its
   Secretary, Fr. Tony
   Salemma, c/o Bishop
   Palace, Altinho,
   Panaji, Goa. ... Respondents.

Shri V. A. lawande, advocate for the petitioner.

Shri J. E. Coelho Pereira, Senior Advocate with Shri V. Korgaokar, advocate for respondent nos. 1 and 3.

Shri A.N.S. Nadkarni, Advocate General with Shri M. Tadker, Additional Government Advocate for respondent no.2.

CORAM : P. V. HARDAS &
D. G. KARNIK, JJ.

DATE : 5th May, 2004.

ORAL ORDER (Per Hardas, J.)

The anxiety of parents for education of their

children prompts the parents of the petitioner to invoke the extraordinary jurisdiction of this Court in seeking admission of the minor child to 1st Standard in the first respondent School, which is managed by the Diocesan Society of Education, i.e. the third respondent.

2. It is stated in the petition that the admission of Master Bhaskar Ramakrishna Khanolkar was denied on the plea that he had not attained the age of five and half years in pursuance to Section 18 of the Goa School Education Act, 1984. This Court realizing the anguish of the parents, had issued notice to the respondents.

3. In response to the notice the respondent nos. 1 and 3 are represented by Shri Coelho Pereira, learned Senior Counsel and the second respondent is represented by the learned Advocate General. It must be stated at the outset, that we appreciate the fair stand taken by the respondents, particularly by the learned Senior Counsel appearing on behalf of respondent nos.1 and 3. On being apprised of the fact that the second proviso to Section 18 of the Goa School Education Act is amended and the amended provision reads: "on or before the 1st day of June of the year in which the admission of such child is sought", substituting the earlier expression : "on or before the 1st day of June of the year two thousand and two", and also in view of the fact that the child will have attained the

requisite age on 1st June, Shri Coelho Pereira, learned Senior Counsel appearing on behalf of the respondent nos.1 and 3 states that the respondents are willing to admit Master Bhaskar Ramakrishna Khanolkar. However, a very pragmatic difficulty is expressed by the learned Senior Counsel for the respondent nos. 1 and 3, that already the school had admitted 40 students and by granting admission to the petitioner it would be exceeding its quota. We are, however, informed that in appropriate cases a discretion is available with the second respondent, i.e. the Director of Education, to relax and permit the admission of an additional student. The learned Advocate General also has very fairly stated that in the event the respondent School makes an application seeking permission for admission of Master Bhaskar Ramakrishna Khanolkar, the Director of Education, i.e. the second respondent, would favourably consider its application.

4. We wish to express our appreciation for the stand taken by the respondents, as right to education, particularly Primary education, is one of the most valuable rights and the respondents, in their attempt, have indeed secured the right to education of Master Bhasker Ramakrishna Khanolkar. In view of the statement of the learned Advocate General and the statement of Shri Coelho Pereira, learned Senior Counsel for respondent nos. 1 and 3, Rule is made absolute. Since the respondent School has agreed to grant admission, and the Director of Education has agreed to

consider the application of the respondent School favourably, the petition is disposed of on the above terms with no order as to costs.

P. V. HARDAS, J.

D. G. KARNIK, J.

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